

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Implementation of Section 621(a)(1) of the Cable)	MB Docket No. 05-311
Communications Policy Act of 1984 as Amended)	
by the Cable Television Consumer Protection and)	
Competition Act of 1992)	

COMMENTS OF WINCHESTER COMMUNITY ACCESS & MEDIA, INC.

Winchester Community Access & Media, Inc (WinCAM), the PEG access center for Winchester, Massachusetts seeks to make known their vehement objection to the language in the Second Further Notice of Proposed Rulemaking (“FNPRM”) in the above-referenced docket. Since 2000, WinCAM has served the Town of Winchester, the local franchising authority (LFA) as a community partner, providing invaluable coverage of municipal meetings and events and access to production technology for residents. Allowing cable companies to deduct costs such as transmission of local PEG signals as “in-kind donations” is an ill-conceived attempt to alter the terms of local contracts after they have been signed. This action is not only potentially devastating to the operation of the organization, but it is also flawed in its logic. The Commission asserts that costs associated with PEG programming is a benefit to the municipality, when in fact, funds supporting community media are a benefit to residents – many of them, cable subscribers. Classifying costs as “in-kind” changes the rules of the game midway through, a blatant attempt to circumvent contracts entered into in good faith.

The Town of Winchester entered into contracts with Comcast & Verizon calling for the payment of the franchise allowed by the Cable Act to be paid to WinCAM in exchange for providing coverage of local meetings and events and creation of programming of local interest. We understand that this franchise fee is a pass-through from cable customers to the LFA or its designee

for use by members of the community for the promotion of Freedom of Speech. The cable companies' sole role with regard to this fee is to collect it and forward it under the terms of their licenses to carry out the purposes stated above. If a cable company has "costs" associated with delivery of PEG programming, these costs should be recouped by raising the charges to their customers, not by depleting the franchise fee.

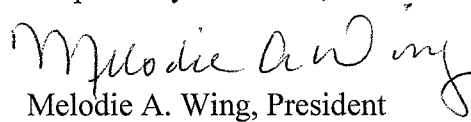
WinCAM provides services to the residents that go well beyond community programming. If the Commission's rule changes are allowed to take place, it would have severe consequences for the organization's budget and services. Over 90% of the organization's yearly income is derived from PEG funding. This income is used to cover rent, insurance, utilities and other necessary costs which have allowed the organization to thrive over the course of its history. Future plans of expansion and increased services have all been made based on projected funding. The Commission's plan, if acted upon by the cable companies, would drastically change those plans. WinCAM has long been preparing for the eventual decline in cable revenue, as the cable industry has. However, it would be unconscionable for the industry to recoup its declining revenue at the expense of federally mandated PEG access services.

Video services and educational programs offered by WinCAM are a definitive benefit to the residents. Yet, the Commission asserts this funding benefits the LFA. In the early licensing days, cable companies who wished to sell their product by using public rights of way would voluntarily offer services such as Institutional Networks and free cable services in schools and other municipal buildings, in addition, when appropriate, to paying the franchise fee. Now that the benefit has been reaped, they seek to take away even what is provided for under federal law. This maneuver creates more profit for the cable companies, not recovery of costs and leaves residents of the town without the services they've paid for over the course of many years. Nowhere is it mentioned in FNPRM that the cable companies would discontinue the practice of charging PEG related costs back to their customers. Instead, paying customers will no longer receive services called for under the federal

law, but, will still stand to be charged for them. This FNPRM seeks to alter the spirit and intent of the Cable Act to the benefit of a few large corporations who are already pulling millions of dollars in profit out of the pockets of their customers every year.

WinCAM has been the designated access corporation for the Town of Winchester for nearly 20 years. In that time, members of this organization have produced and documented the history of the Town. Our members have received numerous regional and national awards, have gained entrance to prestigious collegiate programs and have attained meaningful employment in production fields along the way. In a time of a shrinking globe, the impact that a local community organization can make has never been needed more. This organization, guided by a volunteer resident Board of Directors and a knowledgeable, professional staff seeks to keep the spirit of community media alive in this town and across the country. The FNPRM being considered by the Commission is a benefit solely for the cable companies to the detriment of free speech opportunities to millions of individuals throughout the country. We stand opposed to the FNPRM and hope you will reconsider its passing.

Respectfully submitted,

A handwritten signature in black ink, reading "Melodie A. Wing". The signature is fluid and cursive, with the first name "Melodie" being the most prominent part.

Melodie A. Wing, President
Winchester Community Access & Media
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November 13, 2018